

REMARKS

The Applicant respectfully requests reconsideration and allowance of claims 15 through 19, and consideration and allowance of new claims 21-29.

The present application was originally filed with claims 1 through 14. Claims 1-14 were canceled and replaced with claims 15 through 20. New claims 21-29 are added above. Independent claim 15 is amended above to add the limitation previously set out in claim 20 and claim 20 is canceled. Claim 15 is also amended above to refer to the orientation of the stirrup in the operating position. Claim 16 is amended above for consistency with claim 15 as amended, and claim 19 is amended to add the limitation that the exterior side of the stirrup loop is longer than the interior side of the stirrup loop. The Applicant believes claims 15-19 and 21-29 are in condition for allowance.

I. THE AMENDED AND NEW CLAIMS ARE NOT ANTICIPATED BY TOWERS

The Office Action rejected claims 15-20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 38,995 to Towers (the "Towers patent"). The Applicant believes the claims as amended are not anticipated by the Towers patent.

Claim 15 is amended above to claim a stirrup suspended from a western equestrian saddle. The amendments to claim 15 above include changes to clarify that the inner tread section (20 in Figure 2) is relatively nearer to the position of a horse under the saddle than is the remainder of the elongated base support tread. In this position, the upper surface of the base support tread slants downwardly away from the position of the horse under the saddle. Support for these limitations is found in the application at page 5, lines 16-18 and page 6, lines 1-4.

1 These clarifications in claim 15 clearly differentiate the present stirrup over the stirrup shown in
2 the Towers patent, in that the stirrup shown in the Towers patent has an operating position in
3 which the plate C slopes downwardly toward the position of the horse.

4 The Applicant therefore believes that claim 15 is not anticipated by the Towers patent and
5 is in condition for allowance together with its dependent claims, claims 16-19.

6 New claim 22 is directed to a saddle including a first stirrup and a second stirrup, and
7 requires that the upper surface of the base support tread for the first stirrup and the upper surface
8 of the base support tread for the second stirrup face outwardly away from each other when the
9 stirrups are both in their respective operating position. Support for claim 22 is found in the
10 present application particularly at page 5, lines 16-18, in Figure 2, and in the discussion of Figure
11 2 at the top of page 6. The Applicant believes that claim 22 is entitled to allowance together with
12 its dependent claims, claims 23 and 24.

13 New claim 25 is directed to a method for providing a support surface for a rider's foot in
14 connection with the use of a western equestrian saddle. The method includes at element (b)

15 supporting a stirrup loop from the hanger rod, the stirrup loop having a support surface
16 defined therein, **the support surface being slanted with respect to the stirrup**
17 **centerline so that the support surface faces away from the saddle when the stirrup**
18 **loop is in an operating position,** and wherein the support surface is approximately
19 centered on the stirrup centerline. (Emphasis added)

20 Support for claim 25 is found in the disclosure at pages 5 and 6 and in Figure 2. The Applicant
21 believes that claim 25 is in condition for allowance together with its dependent claims, claims 26
22 and 27.

23 New claim 28 is directed to a stirrup suspended from a western equestrian saddle
24 similarly to claim 15, and includes a limitation as to the orientation of the upper surface of the

1 base support tread similar to claim 25. Claim 28 also includes limitations as to the respective
2 lengths of the interior and exterior sides of the stirrup loop as described in connection with
3 Figure 2. The Applicant submits that claim 28 is in condition for allowance together with its
4 dependent claim, claim 29.

6 II. THE DOUBLE PATENTING REJECTION

7 The Office Action rejected claims 15-20 under the judicially created doctrine of
8 obviousness-type double patenting in view of claims 1-16 of U.S. Patent No. 6,651,409.

9 This application and U.S. Patent No. 6,651,409 are the subject of an assignment
10 document recorded at reel 016902 frame 0909 in the USPTO assignment records. The Applicant
11 intends to execute a confirmatory assignment clarifying that the Applicant's intent with the
12 document recorded at reel 016902 frame 0909 was to assign a security interest in U.S. Patent No.
13 6,651,409 and the present application. The Applicant intends to file a terminal disclaimer under
14 37 C.F.R. §1.321 to obviate the non-statutory double patenting rejection promptly upon
15 confirming the ownership of the present application.

1 III. CONCLUSION

2 For all of the above reasons the Applicant respectfully requests reconsideration and
3 allowance of claims 15-19, and consideration and allowance of new claims 21-29.

4 Respectfully submitted,

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9 Dated: January 20, 2006

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18 CERTIFICATE OF FACSIMILE

19 I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (Fax
20 No. 571-273-8300) on January 20, 2006.

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